

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 07-640-1</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>RAKAHN BURTON,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a “RAK,”</b>	<b>:</b>	
<b>a/k/a “RAKHAN BURTON,”</b>	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to distribute</b>
<b>TYREE T. BARNWELL</b>	<b>:</b>	<b>50 grams or more of cocaine base</b>
	<b>:</b>	<b>(“crack”) - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
	<b>:</b>	<b>50 grams or more of cocaine base</b>
	<b>:</b>	<b>(“crack”) - 3 counts)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
	<b>:</b>	<b>5 grams or more of cocaine base (“crack”)</b>
	<b>:</b>	<b>- 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	<b>:</b>	<b>intent to distribute 50 grams or more of</b>
	<b>:</b>	<b>cocaine base (“crack”) - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 860(a) (distribution of 50</b>
	<b>:</b>	<b>grams or more of cocaine base (“crack”)</b>
	<b>:</b>	<b>within 1000 feet of a school - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding &amp; abetting)</b>

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1.       From in or about March, 2007, to on or about August 29, 2007, in  
Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**RAKAHN BURTON,**  
    **a/k/a “RAK,”**  
**a/k/a “RAKHAN BURTON,” and**  
**TYREE T. BARNWELL**

conspired and agreed, together and with others unknown to the grand jury, to knowingly and  
intentionally distribute and possess with intent to distribute 50 grams or more, that is,

approximately 701.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

#### **MANNER AND MEANS**

It was part of the conspiracy that:

2. Defendant **RAKAHN BURTON** obtained quantities of cocaine base (“crack ”), which he supplied to defendant **TYREE T. BARNWELL** and others at prearranged prices.

3. Defendant **TYREE T. BARNWELL** sold crack supplied by defendant **RAKAHN BURTON** to customers in Philadelphia, Pennsylvania and elsewhere.

4. After defendant **TYREE T. BARNWELL** sold the crack provided to him by defendant **RAKAHN BURTON**, defendant **BARNWELL** paid defendant **BURTON** in cash. Defendant **BARNWELL** then kept a portion of the cash proceeds after selling the crack above the prearranged price.

5. Defendants **RAKAHN BURTON** and **TYREE T. BARNWELL** used cellular telephones to coordinate their drug trafficking activities.

6. Defendant **RAKAHN BURTON** used a residence at 7209 Kindred Street, in Philadelphia, PA as a place to “cook” and store crack.

## OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants **RAKAHN BURTON** and **TYREE T. BARNWELL** and others unknown to the grand jury committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

### The June 21, 2007 Sale of Approximately 27.8 Grams of Crack

On or about June 21, 2007:

1. Defendant **TYREE T. BARNWELL** met with defendant **RAKAHN BURTON** at the Best Buy parking lot located at 310 Goddard Boulevard in King of Prussia, where defendant **BURTON** delivered approximately one ounce (27.8 grams) of crack to defendant **BARNWELL**.
2. Defendant **TYREE T. BARNWELL** subsequently met with a law enforcement officer acting in an undercover capacity (the undercover officer) at the Home Depot parking lot located near 24<sup>th</sup> Street and Oregon Avenue in Philadelphia, where he sold approximately one ounce (27.8 grams) of crack to the undercover officer for \$900.
3. Defendant **TYREE T. BARNWELL** later made a payment in cash to defendant **RAKAHN BURTON** from the money he had received from the undercover officer. Defendant **BARNWELL** then kept a portion of the cash proceeds for himself.

### The July 5, 2007 Sale of Approximately 55.3 Grams of Crack

On or about July 5, 2007:

4. Defendant **TYREE T. BARNWELL** met with defendant **RAKAHN BURTON** at 7209 Kindred Street in Philadelphia. Defendant **BARNWELL** then entered a grey

Pontiac rent-a-car driven by defendant **BURTON** where defendant **BURTON** delivered approximately two ounces (55.3 grams) of crack to defendant **BARNWELL**.

5. Defendants **TYREE T. BARNWELL** and **RAKAHN BURTON** drove to the Home Depot located near Castor Avenue in Philadelphia, where defendant **BARNWELL** sold approximately two ounces (55.3 grams) of crack to the undercover officer for \$1,800.

6. Defendant **TYREE T. BARNWELL** later made a payment in cash to defendant **RAKAHN BURTON** from the money he had received from the undercover officer. Defendant **BARNWELL** then kept a portion of the cash proceeds for himself.

**The July 26, 2007 Sale of Approximately 124.1 Grams of Crack**

On or about July 26, 2007:

7. Defendant **TYREE T. BARNWELL** met with defendant **RAKAHN BURTON** at 7209 Kindred Street in Philadelphia, where defendant **BURTON** delivered approximately four and one half ounces (124.1 grams) of crack to defendant **BARNWELL**.

8. Defendant **TYREE T. BARNWELL** then met with the undercover officer at the Home Depot parking lot located near Castor Avenue in Philadelphia, where he sold approximately four and one half ounces (124.1 grams) of crack to the undercover officer for \$3,800.

9. Defendant **TYREE T. BARNWELL** later made a payment in cash to defendant **RAKAHN BURTON** from the money he had received from the undercover officer. Defendant **BARNWELL** then kept a portion of the cash proceeds for himself.

**The August 29, 2007 Sale of Approximately 494.3 Grams of Crack**

On or about August 29, 2007:

10. Defendant **TYREE T. BARNWELL** met with defendant **RAKAHN BURTON** at 7209 Kindred Street in Philadelphia, where defendant **BURTON** delivered approximately one half kilogram (494.3 grams) of crack to defendant **BARNWELL**.

11. Defendant **TYREE T. BARNWELL** then met with the undercover officer at the Chili's restaurant located at 175 East City Line Avenue in Philadelphia, where he handed the undercover officer approximately one half kilogram (494.3 grams) of crack.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 21, 2007 in Philadelphia, in the Eastern District of  
Pennsylvania, defendants

**RAKAHN BURTON,  
a/k/a “RAK,”  
a/k/a “RAKHAN BURTON,” and  
TYREE T. BARNWELL**

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 grams or more, that is, approximately 27.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 5, 2007, in Philadelphia, in the Eastern District of Pennsylvania,  
defendants

**RAKAHN BURTON,  
a/k/a “RAK,”  
a/k/a “RAKHAN BURTON,” and  
TYREE T. BARNWELL**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 55.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about July 26, 2007, in Philadelphia, in the Eastern District of  
Pennsylvania, defendants

**RAKAHN BURTON,  
a/k/a “RAK,”  
a/k/a “RAKHAN BURTON,” and  
TYREE T. BARNWELL**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 124.1 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.



**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about August 29, 2007, in Philadelphia, in the Eastern District of  
Pennsylvania, defendants

**RAKAHN BURTON,  
a/k/a “RAK,”  
a/k/a “RAKHAN BURTON,” and  
TYREE T. BARNWELL**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 494.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

**COUNT SIX**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 9, 2005, inside of 7545 Battersby Street, Philadelphia, in the Eastern District of Pennsylvania, defendant

**RAKAHN BURTON,  
a/k/a “RAK,”  
a/k/a “RAKHAN BURTON,”**

knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

**COUNT SEVEN**

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**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 9, 2005, inside of 7545 Battersby Street, Philadelphia, in the Eastern District of Pennsylvania, defendant

**RAKAHN BURTON,  
a/k/a “RAK,”  
a/k/a “RAKHAN BURTON,”**

knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising Abraham Lincoln High School, a public high school, located at 3201 Ryan Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

In violation of Title 21, United States Code, Section 860(a).

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**

